

**TOWN OF ELSMERE
PLANNING COMMISSION
MEETING MINUTES
OCTOBER 7, 2008
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

Commissioner Burg – Present
Commissioner Lindell – Present
Commissioner Sheldon – Present
Commissioner Smith – Absent
Commissioner Swain – Present
Commissioner Acton – Present / Arrived Late
Chairman Backer – Present

PUBLIC COMMENT:

None

APPROVAL OF MINUTES:

Minutes of the September 2, 2008 Planning Commission Meeting

ACTION: A motion was made by Commissioner Lindell to approve the minutes of the September 2, 2008 Planning Commission Meeting. The Motion was seconded by Commissioner Burg.

VOTE:

Commissioner Burg – Approve
Commissioner Lindell – Approve
Commissioner Sheldon – Approve
Commissioner Smith – Absent
Commissioner Swain – Approve
Commissioner Acton – Absent
Chairman Backer – Approve

VOTE: 5-0, with 2 Absent, Motion carried

NEW BUSINESS:

The Planning Commission reviewed Petition 08-06, Tax Parcel Number 1900400356 also known as 209 Locust Ave.

Ms. Nina Papoulis of Doroshow & Pasquale Law Firm presented the application and stated that the correct property sizes were for Lot A 4,990 sq. ft. and for Lot B 4,936 sq. ft.

Mr. Mike Paraskewich of Pelsa Company Inc. spoke regarding the lot size confirming that the proposed lot sizes are both smaller than 5,000 sq. ft.

Commissioner Swain stated that the commission is meeting to discuss the lot size not the building that will be constructed, they will only need to know the type of building so that they may regulate the lot size.

Ms. Papoulis stated that at the last meeting the Commission had stated that the property was considered a corner lot. She made it clear that the property is an end unit however it is not on the corner of the street it is an interior lot with an end unit on it.

The Commission agreed that the property is an interior lot.

Commissioner Swain asked what the zoning of the property was.

Officer Keith Brown answered that the property is currently zoned R-2.

Commissioner Swain asked if they intended to place a single family dwelling that is detached.

Mr. Paraskewich stated that the property owner would like to construct a single family town house not a single family detached home.

Commissioner Swain asked how the property owner intended to attach the home.

Mr. Paraskewich stated that there would be a shared carport & driveway that would attach the homes.

Commissioner Sheldon questioned the size of the shared driveway.

Mr. Paraskewich acknowledged that the driveway would be 10-12 feet wide.

Commissioner Sheldon asked what the contractors definition of a town house was.

Mr. Paraskewich declared that his definition of a town house is three or more attached dwellings.

Commissioner Sheldon stated that the dwellings need to be attached via a party wall not a breezeway.

Mr. Paraskewich stated that other municipalities in the state allow this to be construed as a town house.

Commissioner Swain asked why the property owner doesn't want to attach the dwelling via a party wall.

Mr. Paraskewich stated that the property owner wants to maximize the use of the lot and by attaching the dwelling they would eliminate that.

Commissioner Burg questioned which lot was to be the proposed lot.

At this time the tape was inaudible due to multiple conversations occurring at once.

Commissioner Swain stated that the proposed breezeway is a loose interpretation of connecting the houses so that they would be classified as a town house.

Mr. Paraskewich stated that their interpretation of the code is based upon the information available to them.

Commissioner Swain stated that by subdividing the property they would be creating two undersized properties.

Mr. Paraskewich stated that if they construct the new property as a town house with a traditional party wall the required lot size is 1,200 sq. ft. which the proposed lot exceeds this size.

Commissioner Swain stated that the lot size for a town house is 1,600 sq. ft. and that if the lot is proposed for a town house it meets lot coverage, size and setback requirements.

Ms. Papoulis stated that she was under the impression that they were attending the meeting to request a variance to the lot size.

The commission came to the agreement that what the property owner would like to build is a single family attached town house.

Chairman Backer read the letter from the Town Engineer that stated that the plan lists the property as a single family attached town house however does not depict that in the submitted drawings.

Mr. Paraskewich stated that he can amend the plans.

Chairman Backer stated that the proposed lots meet the criteria for a subdivision if they do a traditional town house with a party wall however does not meet the criteria for a single family dwelling as described in the application.

Commissioner Burg stated that as the application is written it contradicts everything that the applicant is stating they want therefore they have no solid depiction of what is being requested.

Chairman Backer stated that the commission is only here to decide if the lot meets the required criteria for the town house that they would like to do.

Commissioner Acton acknowledged that the application as submitted is requesting a single family detached home that has a requirement that requires the lot to be 5,000 sq. ft.

Commissioner Backer stated that per the wording on the application they would be making their decision based upon the application which states a single family house which is to be detached. The requirement for that would be a minimum lot size of 5,000 sq. ft.

Ms. Papoulis questioned if the variance for the lot size was approved would the applicant still be able to submit building plans to construct a town house even though the lot size would be larger than required.

Chairman Backer responded that because it was a variance she would not be able to alter the plans once approved.

Chairman Backer gave a brief overview of what had been discussed in the meeting and asked if any commissioners had any further questions.

Commissioner Acton asked Mr. Paraskewich what the width of the proposed lot was.

Mr. Paraskewich responded with 38.85 ft.

Commissioner Sheldon asked what the depth of the property would be.

Mr. Paraskewich answered 150 ft.

Commissioner Sheldon then asked what the width of the house would be.

Mr. Paraskewich responded with the proposed house with would be 20 ft.

At this time the tape was inaudible due to multiple conversations occurring at once.

Commissioner Sheldon stated that the application does not clearly state whether Lot A or Lot B will be the new proposed lot.

Mr. Paraskewich stated that Lot A would be the new proposed lot at 4,990 sq. ft. and that Lot B would be the existing home with a lot size of 4,936 sq. ft.

Chairman Backer gave a brief overview stating that the application as submitted is requesting a single family detached home. The property does not meet minimum lot size, the proposed structure would not meet setback requirements and the proposed lot would not meet the required lot width.

ACTION: A motion was made by Commissioner Swain to recommend denial of Petition 08-06 requesting a subdivision of the property know as 209 Locust Ave because the property does not meet the required lot size and required lot width. The motion was seconded by Commissioner Burg.

VOTE:

Commissioner Lindell – Recommend Denial
Commissioner Burg – Recommend Denial
Commissioner Smith – Absent
Commissioner Acton – Recommend Denial
Commissioner Sheldon – Recommend Denial
Commissioner Swain – Recommend Denial
Chairman Backer – Recommend Denial

VOTE: 6-0, with 1 Absent, Motion carried

At this point in the meeting Commissioner Swain has stepped down from his position to present petition 08-13.

The Planning Commission reviewed Petition 08-13, Tax Parcel Number 1900500096 also known as 112 Northern Ave.

Mr. Robert Swain presented the application for a 2 car garage at the property known as 112 Northern Ave.

Commissioner Sheldon questioned the location of the proposed garage.

Mr. Swain stated that the garage would not be obstructing the view of any homes due to the fact that the garage would be backing up to the Rt. 100 bridge.

Chairman Backer asked if any correspondence had been received from any residents.

Officer Keith Brown responded that he had received correspondence from Mr. Philip DiFebo of 500 Baltimore Ave to show his support for the construction of the garage.

ACTION: A motion was made by Commissioner Burg to recommend approval of Petition 08-13 requesting a variance to lot coverage and side setbacks. The motion was seconded by Commissioner Lindell.

VOTE:

Commissioner Lindell – Recommend Approval
Commissioner Burg – Recommend Approval
Commissioner Smith – Absent
Commissioner Acton – Recommend Denial due to the close proximity to the property line, proper maintenance would not be possible
Commissioner Sheldon – Recommend Approval
Commissioner Swain – N/A
Chairman Backer – Recommend Approval

VOTE: 4-1, with 1 Absent, 1 N/A, Motion carried

Commissioner Swain has rejoined the meeting as a Commissioner to complete the remainder of the meeting.

OLD BUSINESS:

Review of the Comprehensive Plan

Commissioner Backer read a letter from Town Manager John Giles for the record.

NEW BUSINESS:

The Planning Commission will discuss calling a special meeting on October 14, 2008 for the specific reason of discussing the Comprehensive Plan.

Commissioner Swain asked if there was a way to schedule the meeting for 6:30 instead of 5:30.

Chairman Backer stated that a representative from the University of Delaware was going to be present and that the meeting needs to be at 5:30.

ACTION: A motion was made by Commissioner Swain to schedule a Special Planning Commission Meeting on Tuesday October 14, 2008 to specifically discuss the Comprehensive Plan. The Motion was seconded by Commissioner Burg.

VOTE:

Commissioner Lindell – Approve
Commissioner Burg – Approve
Commissioner Smith – Absent
Commissioner Acton – Approve
Commissioner Sheldon – Approve
Commissioner Swain – Approve
Chairman Backer – Approve

VOTE: 6-0, with 1 Absent, Motion carried

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: A motion was made by Commissioner Swain to adjourn. The motion was seconded by Commissioner Burg.

VOTE:

Commissioner Burg – Approve
Commissioner Lindell – Approve
Commissioner Smith - Approve
Commissioner Acton – Approve
Commissioner Sheldon – Absent
Commissioner Swain – Approve
Chairman Backer – Approve

VOTE: 6 – 0, with 1 Absent, Motion carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the October 7, 2008 Planning Commission Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

LEON BACKER, CHAIRMAN

CHARLES LINDELL, SECRETARY